PROB 12C(d)
(03/06)

July 9, 2008

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 JUL 14 PM 12:42
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Alejandro SOSA-Cobarrubias (Spanish) **Dkt No.:** 07-CR-3292-001-BEN

Reg. No.: 05380-298

Name of Sentencing Judicial Officer: The Honorable Roger T. Benitez, U.S. District Judge

Date of Sentence: December 20, 2007

Original Offense: 8 U.S.C. §1326(a), Deported Alien Found in the United States, a Class E felony

Sentence: 60 days custody;1 year supervised release. (*Special Conditions: See Attached Judgment and Commitment Order.)*

Type of Supervision: Supervised Release **Date Supervision Commenced:** January 9, 2008

Asst. U.S. Atty.: Carla Bressler **Defense Counsel:** Timothy R. Garrison, Fed. Def's., Inc. (Appointed) (619) 234-8467

Prior Violation History: None.

PETITIONING THE COURT

TO ISSUE A NO-BAIL BENCH WARRANT

The probation officer believes that the offender has violated the following conditions of supervision:

CONDITIONS	ALLEGATIONS OF NONCOMPLIANCE
(Mandatory Condition) Not commit another federal, state, or local crime. *(nv1)*	1. On April 4, 2008, Mr. SOSA-Cobarrubias, a previously deported alien was found illegally in the United States, in violation of 8 U.S.C. § 1326, Deported Alien found in the United States, as evidenced by the U.S. Border Patrol Report No. IMB0804000090.
(Special Condition) If deported, or returned to Mexico, not reenter the United States illegally and report to the probation officer within 24 hours of any reentry to the United States. *(nv35)*	2. On April 4, 2008, Mr. SOSA-Cobarrubias, a previously deported alien was found illegally in the United States, in violation of 8 U.S.C. § 1326, Deported Alien found in the United States, as evidenced by the U.S. Border Patrol Report No. IMB0804000090.

Grounds for Revocation: As to allegations 1 and 2, I received and reviewed the above noted U.S. Border Patrol report, which confirm the following: On the above date, U.S. Border Patrol Agent Fidel G. Herrera III encountered Mr. Sosa-Cobarrubias hiding in a brushy area approximately 200 yards north of the U.S./Mexico border in the San Ysidro area. The offender acknowledged to the agent that he was a citizen of Mexico and was in the U.S. illegally. The agent arrested the offender and transported him to the station for processing. Records revealed that the offender was deported from the United States on January 9, 2008.

(Mandatory Condition)
Not commit another federal, state, or local crime. *(nv1)*

3. On May 30, 2008, Mr. SOSA-Cobarrubias, made a false statement to a federal officer, in violation of 18 U.S.C. § 1001, as evidenced by his conviction in U.S. District Court, Southern District of California docket number 08-CR-2135-001-WQH.

(Special Condition)
If deported, or returned to Mexico, not reenter the United States illegally and report to the probation officer within 24 hours of any reentry to the United States. *(nv35)*

4. On May 30, 2008, Mr. SOSA-Cobarrubias, made a false statement to a federal officer, in violation of 18 U.S.C. § 1001, as evidenced by his conviction in U.S. District Court, Southern District of California docket number 08-CR-2135-001-WQH.

Grounds for Revocation: As to allegations 3 and 4, I received and reviewed the complaint and Court minutes in the above noted case, which confirm the following: On the above date, U.S. Border Patrol Agent A. Furet Jr. encountered four individuals, including Mr. Sosa-Cobarrubias, hiding in a ditch located approximately 200 yards north of the U.S./Mexico border in the San Ysidro area. The offender acknowledged to the agent that he was a citizen of Mexico and was in the U.S. illegally. The agent arrested the offender, and the other individuals, and transported them to the station for processing. Records revealed that the offender was deported from the United States on April 8, 2008, via Nogales, Arizona.

On June 22, 2008, an information was filed in the above noted case charging Mr. Sosa-Cobarrubias with 18 U.S.C. § 1001, False Statement to a Federal Officer. On July 7, 2008, the offender was convicted in that case and sentenced to 6 months custody and 3 years supervised release.

U.S. Probation Officer Recommendation: If found in violation, that supervised release be revoked and the offender be sentenced to 7 months custody, consecutive to his custodial sentence in docket number 08-CR-2135-001-WQH, pursuant to USSG §7B1.3(f), p.s. (An Expanded Violation Worksheet, 12CW(d), has been attached for the Court's review.)

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: July 9, 2008

Respectfully submitted:

by [signature]
Carlos De La Toba
U.S. Probation Officer
(619) 409-5104

Reviewed and approved:

[signature]
Mary M. Murphy
Supervising U.S. Probation Officer

Attachments

THE COURT ORDERS:

✓ A NO-BAIL BENCH WARRANT BE ISSUED BASED UPON A FINDING OF PROBABLE CAUSE TO BRING THE OFFENDER BEFORE THE COURT TO SHOW CAUSE WHY SUPERVISED RELEASE SHOULD NOT BE REVOKED FOR THE ALLEGED VIOLATIONS.

(Currently detained at the Metropolitan Correctional in San Diego Center under Registration No. 05380-298.)

_______ Other ____

____

____

[signature]
The Honorable Roger T. Benitez
U.S. District Judge

7/10/08
Date

EOA

EXPANDED VIOLATION WORKSHEET

1. **Defendant:** SOSA-Cobarrubias, Alejandro

2. **Docket No.** (Year-Sequence-Defendant No.): 07-CR-3292-001-BEN

3. **List Each Violation and Determine the Applicable Grade** (*See* USSG § 7B1.1):

Violation(s)	Grade
deported alien found in the United States	B
false statements to a federal officer	B

4. **Most Serious Grade of Violation** (*See* USSG § 7B1.1(b)) [B]

5. **Criminal History Category** (*See* USSG § 7B1.4(a)) [I]

6. **Statutory Maximum Term** (*Custody*) (*See* 18 U.S.C. § 3583(e)(3))
Upon finding of a violation, the court may modify the conditions of supervision; extend the term if less than the maximum authorized term was previously imposed); or revoke the term of supervised release. If the court revokes supervised release, the maximum term of imprisonment upon revocation is: [12 months]

7. **Range of Imprisonment** (*Custody*) (*See* USSG § 7B1.4(a))
A Grade B violation with a Criminal History Category I establishes an imprisonment range of: [4-10 months]

8. **Statutory Maximum Term** (*Supervised Release*) (*See* 18 U.S.C. § 3583(b))
If supervised release is revoked and the offender is required to serve a term of imprisonment, the court can reimpose supervised release upon release from custody. The length of such a term shall not exceed the term of supervised release authorized by statute for the offense that resulted in the original term of supervised release, less any term of imprisonment imposed upon revocation. In this case, the court has the authority to reimpose a term of: [12 months]

9. **Recommendation**: [7 months custody, consecutive to any other sentence being served. *See USSG § 7B1.3(f)*- w/ no supervised release to follow]

Carlos De La Toba
U.S. Probation Officer

July 9, 2008
Date